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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 TURNBERRY PAVILION PARTNERS,  
11 L.P.,

12 Plaintiff,

13 v.

14 M.J. DEAN CONSTRUCTION  
15 COMPANY,


16 Defendant.

Case No. 2:07-CV-01042-KJD-PAL

**ORDER**

17 Presently before the Court is Defendant's Motion for Attorney Fees, Costs, and Interest (#38)  
18 filed April 14, 2009. Plaintiff's Notice of Appeal was filed April 29, 2009. Mandate of the Ninth  
19 Circuit Court of Appeals issued December 28, 2010 reversing and remanding the judgment of the  
20 District Court. Accordingly, Defendant's motion is hereby **DENIED as moot**.

21 DATED this 4<sup>th</sup> day of March 2011.  
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25 Kent J. Dawson  
26 United States District Judge